

which is false or misleading, which promotes unlawful or illegal goods, services or activities, or which is otherwise unlawful or obscene as determined by the Department, including but not limited to advertising that constitutes the public display of offensive sexual material in violation of Penal Law Section 245.11, shall also be prohibited. Any such prohibited material displayed or placed shall be immediately removed by the Franchisees upon notice from the Department.

There shall be a requirement for providing free space for public service advertisements on the Franchise Structures. Said space shall represent a minimum of 2.5% of the total number of advertising panels and a minimum of 2.5% of total advertising square footage. Such public service advertisements shall be equitably distributed among the various types of Franchise Structures.

(City marketing partnerships)

Consistent with State Law, the Franchisee will also be permitted to charge a minimal fee for the use of the APTs. {Other sources of revenue}

G. SITE SELECTION AND CONSULTATION

Sites for Franchise Structures will be selected by the Department in accordance with the criteria specified in Appendix 3.

The Department will adhere to the following consultative process in designating new sites:

1. The Department will request recommendations for new sites from Council Members, Borough Presidents, Community Boards, Business Improvement Districts (BIDs), the New York City Transit Authority (for bus stop shelters only), and newspaper publishers and licensed newsstand operators or operators holding a valid concession for the operation of a newsstand from the City of New York (for newsstands only).
2. The Department will review these recommendations and any other suggested sites for compliance with the siting criteria (Appendix 3) and additionally consider the following factors:

Underlined text is to be added. Text in square brackets [...] is to be deleted. Text in curly brackets { } indicates business terms that will be described in detail in the final Request for Proposals. Text in **bold underlined italic** is the City Council modifications.

Bus Stop Shelters: Ridership figures, transfer points, location of existing shelters, geographic distribution throughout the five boroughs, sidewalk activity, presence of other Franchise Structures on the sidewalk

Newsstands: Economic viability, replacement of existing structures, geographic distribution, sidewalk activity, presence of other Franchise Structures on the sidewalk

APTs: Availability of water and sewer service, public convenience, enhancement of commercial and tourist areas, sites recommended by the Department of Parks and Recreation, geographic distribution, sidewalk activity, presence of other Franchise Structures on the sidewalk

Public Service Structures: Sidewalk activity, geographic distribution, presence of other Franchise Structures on the sidewalk

3. The Department will distribute lists of proposed sites determined by the Department to be desirable for a 60-day comment period to Council Members, Borough Presidents, Community Boards, other appropriate City agencies, BIDs, the New York City Transit Authority (for bus stop shelters only), newspaper publishers (for newsstands only), adjacent property owners (for newsstands and APTs only) and any other interested party, including Proposers, if they so request.

4. After consideration of the comments and selection of a Franchisee the Department will choose final sites and notify Council Members, Borough Presidents, Community Boards, other appropriate City agencies, the Franchisee, and any other person who commented on the proposed sites.

At least once each year, the Department will request from all Community Boards, BIDs, Council Members, Borough Presidents, the Franchisee and (for purposes of siting newsstand structures) publishers of major daily New York City newspapers a prioritized list of locations for the placement or removal of Franchise Structures:

Underlined text is to be added. Text in square brackets [. . .] is to be deleted. Text in curly brackets { . . . } indicates business terms that will be described in detail in the final Request for Proposals. Text in **bold underlined italic** is the City Council modifications.

The Department may direct the Franchisee to replace bus stop shelters, newsstands and PSSs at existing sites, independent of the above consultative process

H. RESPONSE TO COMPLAINTS

Any complaints the Department receives concerning the siting, installation or requested removal of the Franchise Structures shall be responded to by the Department. All bus stop shelters, automatic public toilets and newsstands shall contain a conspicuously posted telephone number of the office within the Department to which the public may direct complaints and comments. The Franchisee shall cooperate with the Department in timely responding to any such complaints.

{SECTION III -- PROPOSAL PROCEDURES AND REQUIREMENTS}

{SECTION IV -- GENERAL INFORMATION}

{SECTION V -- TIMETABLE}

Underlined text is to be added. Text in square brackets [] is to be deleted. Text in curly brackets { } indicates business terms that will be described in detail in the final Request for Proposals. Text in **bold underlined italic** is the City Council modifications

APPENDIX 2
Summary Chart: Dimensions and Clearances
(For Informational Purposes Only)

	Clear Path	Curb setback	Area	Maximum Size			Maximum Advertising	
				Length	Width	Height	Area	Height
Shelter	7 ft	3 ft	150 sq ft	30 ft	5 ft	9 ft	170 sq ft	7 ft
APT	8 ft	1.5 ft	78 sq ft	12.5 ft	8 ft	12 ft	82.5 sq ft	9 ft
Pillar	8 ft	1.5 ft		8 ft	8 ft	11.6 ft	82.5 sq ft	11.4 ft
Newsstand	9.5 ft	1.5 ft	72 sq ft	14 ft	6.5 ft	9 ft	82.5 sq ft	9 ft
Pillar	9.5 ft	1.5 ft		6.5 ft	6.5 ft	11.6 ft	82.5 sq ft	11.4 ft
PSS	9.5 ft	1.5 ft	36 sq ft	6 ft	6 ft	9 ft	42 sq ft	7 ft
Pillar	9.5 ft	1.5 ft		6 ft	6 ft	16 ft	42 sq ft	14 ft
Computer Terminal	9.5 ft	1.5 ft	16 sq ft	4 ft	4 ft	9 ft	None*	None*
Litter/Recycling Bin	9.5 ft	1.5 ft	6.25 sq ft	2.5 ft	2.5 ft	4 ft	None*	None*

* The name of logo of a sponsoring entity covering an area not to exceed 2 square feet, shall be permitted. Text in bold underlined italic is the City Council modifications.

grandfathered

ADA

APPENDIX 3 Siting Criteria

The general provisions contained in the first section of these criteria apply to all Franchise Structures. Additional requirements applying to particular types of structures are stated in the sections that follow. These additional requirements are designed to accommodate differences in the structures' function, appearance and use and to ensure appropriate and consistent locational opportunities.

A. General Provisions

1. Clear Path. All Franchise Structures shall be installed so as to allow a straight unobstructed path ("clear path") for pedestrian circulation on the sidewalk. The dimensions of the clear path for each type of structure are specified in the subsequent sections. [Where the building line does not coincide with the property line, the Department may include in its determination of clear path any portion of the area between those two lines which is immediately adjacent to and level with the public sidewalk, open to the sky, substantially unobstructed along its entire length, and level, paved and accessible so as to provide a usable walking surface.] No grates or cellar doors shall be included as a part of the clear path directly in front of or behind a franchise structure.
2. Sight Lines. The placement of the franchise structures shall not interfere with pedestrian or motorist sight lines necessary for traffic safety.
3. Minimum Distance Requirements. Unless otherwise stated, distances shall be measured between the nearest points, viewed in plan, of the Franchise Structure and the specified object or element. Where a distance is required to be measured parallel to the curb line, the measurement shall be taken between the two lines perpendicular to the curb line, one touching the Franchise Structure and the other touching the specified object or element, that are closest to each other.
 - a) The following minimum distances shall be required between the Franchise Structure and the specified element or object:
 - i) Fifteen feet, measured parallel to the curb line, from: Bus stop shelters; automatic public toilets;

1 Text in **bold underlined italic** is the City Council modifications.

- newsstands, computer information kiosks, enclosed or unenclosed sidewalk cafes; subway entrances or exits.
- ii) Ten feet from: Fire hydrants, standpipes, ^{15 ft. in rules/law} Siamese connections, driveways (which distances must also meet the Department's safety and operational requirements); building lines extended at the intersection of two streets in accordance with Executive Order No. 22 of 1995 (see Figure 1).
- iii) Five feet from: The trunk of any tree; canopies; information kiosks. ^{same}
- iv) Three feet from: Street lights and traffic signal poles.
- v) Two feet from: Ventilation or other grills; manholes; access plates; street signs; parking meters; fixed litter baskets; tree pits; valve boxes; telephones; cellar doors; mailboxes. ^{same}
- vi) One and one-half feet from the curb of any street, except for bus stop shelters (see below). ✓

- b) In addition to the above distance requirements, for any Franchise Structure where access for the public is provided from a side of the structure other than that adjacent to the clear path, the following minimum distances shall be required between each such side of the Franchise Structure and the specified element or object:

- i) Five feet from any above-ground structure (e.g., street lights, traffic signal poles, street signs, parking meters, fixed litter baskets, telephones, mail boxes)
- ii) Three feet from any element or object that is flush with the sidewalk (e.g., ventilation or other grills, manholes, access plates, tree pits, valve boxes)

- c) No Franchise Structure may be installed directly in front of a building entrance or exit without written permission from the abutting property owner. No franchise structure shall be installed within 5 feet (measured parallel to the curb line) of a building entrance except where the Department determines that this requirement cannot be reasonably met.

- d) No Franchise Structure may be installed within 3 feet of the property line of a residential or commercial structure without written permission from the abutting property owner.
 - e) No Franchise Structure may be located under a fire escape
 - f) Except for bus stop shelters, no Franchise Structure may be located within a bus stop zone or a taxi stand.
4. **Vaults.** Where a vault is present, the Franchisee shall submit certification from an engineer that the installation of the Franchise Structure will in no way damage the vault.
5. **Electrical Sources.** Franchise Structures should be as close as possible, subject to all other distance requirements, to the source of electricity, if required for the operation of the Franchise Structure. Such Franchise structures may not be sited farther than 150 feet from the nearest available electric power source, unless otherwise directed by the City. The Franchisee is prohibited from using a traffic signal or Con Edison type #12 post, or any power source across a major or protected roadway, unless authorized to do so by the Department.
6. **Landmarks and Historic Districts.** The placement of the Franchise[s] Structures will be subject to the review and approval of the Landmarks Preservation Commission to the extent required by law.

10'

Building (property) line extended

Building (property) line

10'

Figure 1. Clear Corner Policy (Executive Order No. 22 of 1995)

3 Text in **bold underlined italic** is the City Council modifications.

B. Bus Stop Shelters

1. Clear Path. In general, bus stop shelters shall be installed to allow a minimum clear path of 7 feet in width. However, a reduced clear path may be permitted by the Department if necessary to allow the installation of a bus stop shelter. In no case shall such clear path be less than 5 feet in width. The clear path for a bus stop shelter may include the area covered by the bus stop shelter's roof overhang, provided such overhang is a minimum of 7 and 1/2 feet high.
2. Clearance from Curb. All bus stop shelters shall be installed to allow a straight unobstructed path a minimum of 3 feet in width between the shelter and the curb. Viewed in plan, the roof of a bus stop shelter including any overhang shall be set back from the curb line a minimum distance of 2 feet.
3. Relation to the Bus Stop
 - a) All bus stop shelters shall be located as close as possible to the head of the bus stop, but no less than 10 feet from the head of the bus stop at locations where parking is permitted immediately adjacent to the head of the bus stop.
 - b) If a bus stop shelter has only one enclosed end, it should be situated toward the head of the bus stop.

C. Automatic Public Toilets, Newsstands, Public Service Structures

1. Clear Path
 - a) All APTs shall be installed to allow a minimum clear path of 8 feet in width.
 - b) All newsstands and PSSs shall be installed to allow a minimum clear path of 9 and 1/2 feet in width.
 - c) The clear path for a newsstand or a computer information terminal may include an area up to [2] 3 feet in width covered by the [newsstand's] structure's roof overhang, provided such

4 Text in **bold underlined italic** is the City Council modifications.

overhang is [a minimum of 7 and 1/2 feet high] at a minimum height of 7.5 feet above the sidewalk.

- d) The clear path shall extend 15 feet to each side of the Franchise Structure
- e) Franchise Structures on sidewalks shall be located either within 2 and 1/2 feet of the curb line or within 1 foot of the building line.

2. Minimum Distance Requirements. A minimum 15-foot distance, measured parallel to the curb, is required upon installation between the Franchise Structure and:

- a) Entrances to houses of worship.
- b) Any entrance to the elevator lobby of a building having non-residential uses above the street-level floor and having 16 floors in height or more with a frontage of at least 100 feet on narrow streets or 140 feet on wide streets (as defined in Section 12-10 of the New York City Zoning Resolution).
- c) Any entrance to the lobby of a hotel.
- d) Any entrance to a bank from the street that serves the public, including ATM entrances.
- e) Entrances to theaters and box offices.

D. Additional Requirements for Automatic Public Toilets

1. Permissible Locations. APTs shall be located only:

- a) On wide streets, as defined in Section 12-10 of the New York City Zoning Resolution, only in commercial, manufacturing or mixed use districts.
- b) On sidewalks or plazas adjacent to property owned or leased by a government agency or public authority or under the jurisdiction of the Economic Development Corporation.
- c) On traffic islands or public places bounded on all sides by mapped streets under the jurisdiction of the Department.
- d) On or adjacent to parks property or playgrounds, subject to the approval of the Department of Parks and Recreation.

2. Utilities. The siting of APTs shall be subject to consideration of the economic feasibility of making necessary utility connections. All APT

5 Text in ***bold underlined italic*** is the City Council modifications.

sites are subject to the additional approval of the Department of Environmental Protection.

E. Special Circumstances

The Commissioner may waive or modify the above criteria in specific cases, except where prohibited by law, if, in his or her opinion, such waiver or modification is consistent with the public health, safety and general welfare. No such waiver or modification shall be granted without prior consultation with the affected Council Member, Borough President, and Community Board. Similarly, the Department may refrain from siting a Franchise Structure at a particular location which in the opinion of the Commissioner would result in an over-concentration of franchise structures.

Notwithstanding anything contained herein, the siting of Franchise Structures shall be subject to any applicable requirements of the New York City Administrative Code. Notwithstanding anything contained herein, litter bins may be replaced at their existing locations in accordance with the Department of Sanitation's Operation Order for the placement of litter baskets and the Mayor's Clear Corner Policy (Exec. Order No. 22 of 1995).

6 Text in **bold underlined italic** is the City Council modifications.

EXHIBIT U



**New York City
Department of Transportation**

Iris Weinshall, Commissioner

Office of Legal Affairs
40 Worth Street – Room 1015
New York, New York 10013
Tel: 212/442-7730
Fax: 212/442-7733

Web: www.nyc.gov/dot

MEMORANDUM

TO: David Karnovsky
General Counsel
Department of City Planning

Richard Barth
Executive Director
Department of City Planning

FROM: Philip Damashek *P.D.*
General Counsel

Anne Koenig *AK*
Executive Director
Division of Franchises, Concessions and Consents

DATE: October 3, 2003

SUBJECT: Coordinated Street Furniture Franchise RFP

On August 19, 2003, the City Council adopted a resolution (L.U. No. 226-A) authorizing the Department of Transportation to grant nonexclusive franchises for the installation, operation, and maintenance of coordinated franchise structures, including bus stop shelters, self-cleaning automatic public toilets, newsstand structures, and public service structures. We are writing to seek your advice as to whether the attached proposed solicitation for such a franchise would be subject to additional review under the Uniform Land Use Review Procedure ("ULURP").

In 1996, the City Planning Commission and the City Council approved through ULURP (CPC #C960543(A)GFY) a request for proposals ("RFP") for a similar franchise authorized by an earlier Council resolution. DOT intends to incorporate most of the language already approved through ULURP into a new RFP, but some changes will be necessary to update the RFP and bring it into compliance with new requirements.

Richard Barth, Executive Director
 David Kamovsky, General Counsel
 October 3, 2003
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First, the RFP must match the requirements of the new authorizing resolution. New provisions include:

- The types of public service structures to be provided would include multi-rack news racks in addition to trash receptacles and information/computer kiosks.
- All sites for automatic public toilets would be subject to the approval of the Mayor and the Speaker of the Council.
- The franchisee would be required to be prepared to restore any sidewalk damaged by a franchise structure, whereas previously this requirement applied only to distinctive sidewalks and historic pavements.

Second, legislation is now pending in the City Council to amend the Administrative Code in relation to the installation and maintenance of newsstands. If this legislation is adopted, site selection for new newsstands and replacements for existing newsstands would be subject to the Administrative Code and rules of the Department of Consumer Affairs, rather than the siting criteria previously approved through ULURP for franchises. In relation to new newsstands, requirements would be at least as restrictive as the ULURP-approved requirements and in some cases more so. For example, all newsstands would be required to meet a pedestrian level of service standard, which was not the case under the RFP language previously approved.

The newsstand siting requirements in the pending legislation would be reduced in limited cases to allow for the replacement of existing newsstands. These cases may be seen as a class of "special circumstances" in which the siting criteria would be waived, as contemplated in the ULURP-approved RFP.

Further, newsstands that were first licensed on or after August 1, 1991, would be allowed to remain in place if they met the following criteria (the "catchment criteria"):

- A minimum 9½-foot pedestrian clear path
- 5-foot clearance from fire hydrants
- Minimum pedestrian level of service of 11 people per minute per linear foot of clear path
- 15-foot clearance from subway entrances and exits
- 10-foot corner clearance (from the property line extended)
- Prohibition on newsstands in bus stops
- Prohibition on placement that would create a "hazardous condition," which is defined to include:
 - 18-inch clearance from the curb
 - Prohibition on newsstands under fire escapes
 - 10-foot clearance from driveways
 - 2-foot clearance from underground access points (manholes, ventilation grills, cellar doors, etc.)

Richard Barth, Executive Director
David Karnovsky, General Counsel
October 3, 2003
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Newsstands that were first licensed prior to August 1, 1991, would be allowed to remain in place if they met the following criteria:

- A minimum 9½-foot pedestrian clear path
- 5-foot clearance from fire hydrants
- Minimum pedestrian level of service of 11 people per minute per linear foot of clear path
- No prohibition on newsstands at the rear or sides of subway entrance or exit kiosks, as long as they do not exceed the width of the kiosk.
- Prohibition on placement in the corner quadrant (area defined by the property lines extended at the corner).
- Prohibition on placement that would create a "hazardous condition," as defined above.

The reduced siting criteria would apply at license renewal only in the following circumstances:

- (a) An existing newsstand with an area no greater than 72 feet and a height no greater than 9 feet could remain in place if it met the applicable reduced criteria.
- (b) An existing newsstand that did not meet even the applicable reduced criteria could be relocated to a site that met the catchment criteria within 500 feet of the original site (the "catchment area").
- (c) An existing newsstand that had to be expanded in order to meet legal requirements, such as the Americans with Disabilities Act ("ADA"), could remain in place or be relocated within the catchment area provided the replacement site met the catchment criteria.

In addition to the changes necessitated by the franchise authorizing resolution and the proposed newsstand legislation, the attached draft RFP has been revised to reflect a reduction in the numbers of some types of structures and a revised build-out schedule.

Please find attached a draft of land use portions of the RFP marked to show changes from the language approved in 1996. Changes to meet the requirements of the authorizing resolution are marked in boldface. Changes that would be required if the proposed newsstand legislation were adopted are underlined. Other changes are marked in boldface and underlined. Items that were deleted from the original approved submissions are bracketed and italicized.

We would appreciate your earliest advice as to whether and, if so, which of these changes have land use impact and would therefore trigger a need for additional ULURP review.

Enclosure

cc: Kerry Gould, NYCDOT

NYC-OTR005267

**THE CITY OF NEW YORK
DEPARTMENT OF TRANSPORTATION
DIVISION OF FRANCHISES, CONCESSIONS, AND CONSENTS**

**REQUEST FOR PROPOSALS FOR A FRANCHISE TO INSTALL, OPERATE AND
MAINTAIN BUS STOP SHELTERS, SELF-CLEANING AUTOMATIC PUBLIC
TOILETS AND PUBLIC SERVICE STRUCTURES AND TO INSTALL AND MAINTAIN
NEWSSTANDS IN THE BOROUGHS OF THE BRONX, BROOKLYN, MANHATTAN,
QUEENS AND STATEN ISLAND**

**DATE OF ISSUE: ADD DATE
PIN #ADD NUMBER**

SECTION I -- SUMMARY

The City of New York, acting through its Department of Transportation ("Department"), invites all qualified firms to submit Proposals for a twenty (20) year Franchise Contract for the installation, maintenance and operation of Bus Stop Shelters ("Shelters"), self-cleaning Automatic Public Toilets ("APTs") and Public Service Structures ("PSSs") and the installation and maintenance of Newsstands (collectively "Franchise Structures") and the display of advertising thereon. The City seeks Proposals to install, maintain, and operate Franchise Structures that are clean, safe, and attractive, in convenient locations to serve the needs of residents and visitors.

This Request for Proposals is made pursuant to a City Council Authorizing Resolution (Appendix 1) authorizing the grant of non-exclusive franchises to install, operate and maintain Bus Stop Shelters, Newsstands, APTs and PSSs. Pursuant to this authority, the Department is seeking Proposals for a Franchise that will provide for the following:

- The installation and maintenance of a minimum of 3,300 Bus Stop Shelters, with amenities for the public in the form of street identification signage, seating, and public service information. This will require the creation of new designs, and preferably will include the replacement of the existing shelter inventory.
- The installation, operation, and maintenance of a **maximum of 20 APTs**. The Franchisee will be permitted to collect a minimal fee from the public for the use of the APTs.
- The installation and maintenance of a minimum of 430 newsstands. The Franchisee will be required to cooperate with the operator of the Newsstand regarding maintenance and repair of the Newsstand structure.

In addition, Proposers are encouraged to provide for the installation, operation, and maintenance of PSSs, specifically limited to **trash receptacles, multi-rack newsracks and information/computer kiosks** that provide access to government or commercial activity. The public service provided shall be immediately apparent to the passerby and shall not be obscured physically or visually by the name or logo of any sponsoring entity.

The Franchisee will also be responsible for maintaining **one** existing City-owned pedestrian information kiosk.

The design and placement of the Franchise Structures shall reflect the following goals:

- In order to minimize impacts on pedestrian circulation and the visual character of the streetscape, the footprint and height of the Franchise Structures shall be kept as small as possible consistent with their function and other requirements.
- In order to reduce physical and visual clutter on sidewalks, Proposers are encouraged to incorporate elements such as telephones, computer information

Request for Proposals for a Coordinated Street Furniture Franchise

kiosks, litter, and/or recycling bins and newsracks within or on the Franchise Structures.

- In order to maximize pedestrian circulation and clear paths, Franchise Structures shall be aligned with adjacent existing elements on the sidewalks to the extent possible.

The Franchisee will be permitted to display advertising on the Franchise Structures subject to specific criteria and limitations as more fully described below.

[Compensation]

[Proposal Conference]

[Site Visits]

[Acceptance of terms and conditions of Authorizing Resolution]

Boldfaced text is from Authorizing Resolution. Underlined text is from proposed Newsstand legislation. Underlined and boldfaced text are negotiated changes. Italicized text in curly brackets (...) was deleted from original ULURP decision. Text in square brackets [...] indicates business terms that will be described in detail in the final RFP.

Request for Proposals for a Coordinated Street Furniture Franchise

SECTION II -- SCOPE OF SERVICES**A. GENERAL INFORMATION****1. Design**

The Coordinated Street Furniture Franchise is an important new initiative for the City of New York. Its primary goals are to augment and significantly improve the appearance and quality of the largest items of furniture in our streets.

Designs must achieve aesthetic excellence. They must be compatible with a wide variety of built contexts and must conform to a citywide coordinated design scheme. Designs for the different types of Franchise Structures must be coordinated so that within any one area there is a harmonious relationship between the various items of street furniture.

Designs will be evaluated on the basis of functional efficiency, aesthetics, security, durability, adaptability for various built environments around the City and accommodation of people with disabilities. All designs are subject to the approval of the Department.

For each type of standard Franchise Structure (Bus Stop Shelter, Newsstand, Automatic Public Toilet and Public Service Structure meeting non-pillar dimensional criteria), Proposers must submit two basic designs. The first design shall be suitable for deployment, in the case of Bus Stop Shelters, throughout the City and, in the case of other Franchise Structures, in medium and high-density mixed-use environments. Proposers are required to show how each of these basic designs can be varied to suit specific contexts. This might be achieved, for example, through alternative shapes or forms for component parts, alternate materials, and/or varying the color of applied finishes. The second design for each type of standard Franchise Structure shall be appropriate for use within districts that are designated historic districts or in front of individual buildings that are designated New York City Landmarks. These designs may also be deployed on a limited basis in other locations. Some degree of variation in these basic designs is also required. Any designs for pillar structures shall be additional to the basic designs specified above.

Bus Stop Shelters and Newsstands must be available in several sizes and configurations to meet the constraints imposed by various street conditions and users' needs as specified below. The maximum dimensions of each of the Franchise Structures is described below and summarized in Appendix 2.

All components of the Franchise Structures must be fabricated of high quality, durable and vandal-resistant materials. To the maximum extent feasible, all surfaces of the Franchise Structures that are accessible to the public must be graffiti-resistant. Adequate illumination of the Franchise Structures and adjacent sidewalks must be provided. Proposals shall include consideration of the use of independent power

Boldfaced text is from Authorizing Resolution. Underlined text is from proposed Newsstand legislation. Underlined and boldfaced text are negotiated changes. Italicized text in curly brackets [...] was deleted from original ULURP decision. Text in square brackets [...] indicates business terms that will be described in detail in the final RFP.

Request for Proposals for a Coordinated Street Furniture Franchise

sources, such as solar energy, as an alternative to connecting by underground conduit to the local utility. Proposals that commit to using such sources shall be eligible to receive bonus points.

Plans may also allow for the possibility of inclusion of public pay telephones in or on all the Franchise Structures except PSSs. (Additional franchise authority from the Department of Information Technology and Telecommunications will be required to provide public pay telephone service at such telephones.)

The design and placement of the Franchise Structures will be subject to the review and approval of the Landmarks Preservation Commission and the Art Commission, to the extent required by law. All Franchise Structures must be accessible to people with disabilities, and the Franchisee will be required to comply with the Americans with Disabilities Act and any additional federal, state, and local laws relating to accessibility for people with disabilities as applicable. The Franchisee will be required to comply with all New York City laws, rules and codes related to materials and construction.

2. Build-out

The Franchise Structures shall be installed in such locations as directed by the Department in accordance with the consultative process and the siting criteria specified below in Section G and in Appendix 3, respectively.

The Franchisee shall comply with all applicable sections of the building, plumbing and electrical codes of the City of New York, obtain any required permits from the appropriate City agency, and pay any required fees. Where the work to be done in connection with the installation, operation, maintenance, repair, removal or deactivation of the Franchise Structures requires that such work be performed by a plumber or electrician, the Franchisee shall employ and utilize only licensed plumbers and/or electricians. Quality workmanship shall be employed at all times. State-of-the-art construction methods and building materials must be integrated into the Franchise Structures as they become available. After the installation or removal of any Franchise Structure, the sidewalk immediately under or adjacent thereto shall be restored to its proper condition by the Franchisee at the Franchisee's sole expense.

The design and placement of the Franchise Structures shall not result in an installation that causes the destruction or damage of any part of a *{Distinctive}* Sidewalk or Historic Pavement. This shall not preclude the Franchisee from installing a Franchise Structure, including appurtenant utility connections, on a *{Distinctive}* Sidewalk or Historic Pavement by any means necessary. Prior to any such installation, the Franchisee shall be required to:

- a) post a performance bond adequate to protect the adjacent property owner against any loss related to the condition of the *{Distinctive}* Sidewalk or Historic Pavement that may be occasioned by the installation, operation, maintenance or removal of a Franchise Structure; and

Boldfaced text is from Authorizing Resolution. Underlined text is from proposed Newsstand legislation. Underlined and boldfaced text are negotiated changes. Italicized text in curly brackets [...] was deleted from original ULURP decision. Text in square brackets [...] indicates business terms that will be described in detail in the final RFP.

Request for Proposals for a Coordinated Street Furniture Franchise

- b) make a good faith effort to procure sufficient quantities of those materials of which the {*Distinctive*} Sidewalk or Historic Pavement is comprised to repair, replace, or restore it to its original condition.

In the event that the placement of any Franchise Structure results in damage to the {*Distinctive*} Sidewalk or Historic Pavement, such sidewalk or pavement shall be restored to its original condition at the sole expense of the Franchisee, using in-kind materials.

The Franchisee will be required, at a minimum, to adhere to the following build-out schedule:

	Shelters	APTs	Newsstands
Year 1	550	<u>10</u>	144
Year 2	550	<u>10</u>	143
Year 3	550	--	143
Year 4	550	--	***
Year 5	550	--	***
Year 6	550	--	***
Years 7-20	***	--	***

*** Additional structures as directed by the Department.

Proposals at a minimum must reflect the above build-out schedule. Proposers are encouraged to provide a more ambitious schedule for any or all aspects of the build-out.

During the term of the Franchise, the Department may direct the Franchisee to remove, replace, and relocate structures as necessary to accommodate changing needs or to address security concerns. [Responsibility for expenses]

Failure to adhere to the build-out schedule as directed by the Department will be grounds for cancellation of all or any portion of the Franchise Contract.

3. Maintenance and Operation

Maintenance of the Franchise Structures by the Franchisee shall include inspecting, cleaning and removing graffiti from the structures on at least two nonconsecutive days each week (or more frequently, as specified below), timely removal of debris, snow and ice in and around the structures, preventive maintenance and prompt repairs. Snow and ice removal shall include clearing a three-foot access path for wheelchairs and spreading salt, or preferably, a noncorrosive de-icer. The sidewalk immediately under or adjacent to the Franchise Structures shall be maintained in its proper condition or, if necessary, restored thereto at the Franchisee's sole expense. Repairs that are necessary to ensure public safety, as determined by the Department, shall be performed within 24 hours of notification by the Department. The Franchisee shall also

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be responsible for collecting refuse or recyclables from any trash receptacles incorporated within or on Franchise Structures each time the structures are cleaned, or more often as needed.

[Liquidated damages]

[Computerized system for information sharing]

[4. Ownership of the Structures]

B. BUS STOP SHELTERS

1. Design

Bus Stop Shelters must first and foremost provide meaningful protection from precipitation, wind, and sun, and the number and placement of side enclosures shall be sufficient to accomplish this purpose. At the same time, ease of access for both functional and security reasons must be maintained.

The Department strongly encourages innovation and flexibility in Bus Stop Shelter design. The Franchisee will be required to construct shelters in a variety of shapes and sizes to accommodate different street conditions and service needs, including extra-large Shelters for heavily used bus stops and shelters with shorter and narrower footprints for sidewalks where space is limited in length or in width.

All designs must provide at least the following amenities:

- Adequate illumination of the interior and the adjacent sidewalk.
- Passenger seating which by design precludes reclining and may or may not be installed in every Shelter, but which the City may require to be installed or removed at any time.
- An area or areas on the structure for bus route maps, street maps, bus stop name and street identification, Guide-A-Ride canisters and other information (specifications for current bus stop signs and Guide-A-Ride canisters are attached as Appendix **ADD NUMBER**). Bus stop name and street identification shall be back-lit or otherwise illuminated and shall be designed in such a manner to maximize the ability of bus passengers to see such name and identification from the bus as the bus approaches the bus stop.

Proposers are encouraged to propose additional public amenities.

Materials used for the walls of the Shelters must be transparent. The dimensions of structural frames and supports shall be kept at a minimum. In the event that glass is the material proposed for the Shelter walls, an alternative unbreakable and, to the maximum extent feasible, scratch-resistant material must also be proposed for Shelters at locations where there is a high incidence of vandalism.

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Advertising panels, maps, and signs shall be located so as to minimize their impact on the visibility of adjacent buildings and the interior of the Bus Stop Shelter. They shall not interfere with pedestrian or motorist sight lines necessary for traffic safety.

The maximum area of the largest Bus Stop Shelter shall be 150 square feet. The maximum length shall be 30 feet; the maximum width, excluding the roof, shall be 5 feet; and the maximum height shall be 9 feet.

2. Build-out

The City seeks a Proposal for a minimum of 3300 Bus Stop Shelters by the end of the sixth year of the Franchise term with options to direct the installation of additional Bus Stop Shelters, to be exercised, if at all, at the sole discretion of the City, but in no event later than the eighteenth year of the twenty-year Franchise. The total number of Bus Stop Shelters will not exceed 3500.

[Transfer of existing inventory]

By no later than the end of the sixth year, the entire inventory must conform to the new designs and amenities, preferably through the construction of new Shelters, although proposals to accomplish this through retrofitting of existing shelters of the current design will also be considered. The Franchisee will be required to construct or retrofit at least 550 Shelters per year, as directed by the Department, during the first six years of the term. Said construction and/or retrofitting shall be done in accordance with an annual schedule to be furnished by the Department to the Franchisee. Said schedule shall be designed to afford a fair distribution of new and/or retrofitted Shelters throughout the five boroughs of the City and shall be based upon ridership and boarding data from the MTA New York City Transit and from authorized private carriers.

[Responsibility for expenses]

The Shelters will be located at bus stops where demand for their use is greatest, as determined by the Department following the consultation process described below.

During the term of the Franchise, the Department may direct the Franchisee to remove, replace, and/or relocate Shelters as necessary to accommodate changing needs and concerns. [Responsibility for expenses]

3. Maintenance and Operation

Immediately on the commencement of the Franchise and throughout the Franchise term, the Franchisee will be responsible for the complete maintenance of the entire inventory of Bus Stop Shelters. The maintenance shall include, but shall not be limited to, cleaning, inspecting, and removing graffiti from the Shelters on at least two nonconsecutive days each week, promptly clearing and removing debris, snow, and ice

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from the ground in and around the Shelters, repairing or replacing damaged parts within 24 hours of notification by the Department, and preventive maintenance. Snow and ice removal shall include clearing a three-foot access path for wheelchairs and spreading salt or ice remover.

4. Intelligent Transportation Systems

The successful Proposer will be required to cooperate with the Department, MTA New York City Transit, or other agencies to make the structures available for the installation of wiring and equipment and the ongoing maintenance of Automatic Vehicle Location and Control (AVLC) systems as such systems are developed.

[Information about program]

[Responsibility for expenses]

C. **AUTOMATIC PUBLIC TOILETS**

1. Design

Each unit must be accessible to persons with disabilities and must contain a commode; a hand-washing station that provides warm soapy water followed by warm rinse water; toilet tissue and seat cover dispensers; and a paper-towel dispenser or air-drier. Heating, ventilation and lighting systems, including emergency lighting, must be provided. The unit must be designed with the ability to fully and automatically self-clean and disinfect the floor, seat, and bowl after every use. All APT units must contain a self-activating warning system that communicates contemporaneously all significant maintenance and operations problems to an operations center. All APT units must provide external indicators informing potential users of whether the unit is available for use.

In addition, every APT unit must provide an emergency alarm system that allows for two-way communication for activation by the user and transmission to an operations center and the Police and/or Fire Department. A smoke and fire alarm system with an automatic door-opening device must be provided. An emergency access portal, in addition to the user door, must be provided to allow access to the interior by police or other emergency services.

All APTs must be equipped with a timing device that will cause the door to open automatically after a fixed period of time, with an audible and visual warning signal to alert the user one minute prior to the door's opening.

The maximum area of each APT shall be 78 square feet. Except for pillar-style (cylindrical) units, the maximum length shall be 12 and 1/2 feet, the maximum width shall be 8 feet, and the maximum height shall be 12 feet. The maximum diameter of

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pillar-style units shall be 8 feet and the maximum height shall be 14 feet. Proposers are strongly encouraged to propose designs that utilize the minimum footprint necessary.

2. Build-out

The City seeks a Proposal for a **maximum of 20** APTs by no later than the end of the second year of the Franchise term. *{with options to direct the installation of additional APTs to be exercised, based upon the success of the initial installations, at the sole discretion of the City, but in no event later than the fifteenth year of the twenty-year Franchise. The total number of APTs will not exceed 20.}*

All APT sites shall be selected by the Department following the consultative process described below, **and shall be subject to the final approval of the Mayor and the Speaker of the City Council.** During the term of the Franchise, the Department may direct the Franchisee to remove or relocate APTs in response to security concerns.

3. Maintenance and Operation

The APTs must be open to the public at least between the hours of 8:00 A.M. and 8:00 P.M. daily unless longer hours are established for a particular site by the Department.

The Franchisee will be responsible for the complete maintenance of every APT installed. This shall include but not be limited to daily visits to each unit to ensure that all systems are functioning properly, that the units are clean, and that all dispensers are fully stocked. In addition, the Franchisee must respond immediately to its self-activating maintenance and operation warning system. Comfortable interior temperature, ventilation, and illumination shall be maintained at all times when the APT is in operation.

D. **NEWSSTANDS**

1. Design

Newsstands must provide optimum conditions for selling and displaying newspapers, periodicals and convenience items, as well as adequate storage space. Proposers are encouraged to consult with representatives of publishers and newsstand operators regarding Newsstand design.

A Newsstand structure may not occupy more than 72 square feet of sidewalk space when in operation, including all necessary doors, screens, shelves, racks and cases. Each unit must be accessible to persons with disabilities who may operate or patronize the structure. The maximum width shall be 6 and 1/2 feet and the maximum length shall be 14 feet. The maximum diameter of a pillar-style (cylindrical) Newsstand shall be 6 and 1/2 feet. A Newsstand structure may include a roof overhang extending no more than 3 feet from the front of the stand beyond the maximum footprint, at a

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minimum height of 7 and 1/2 feet above the sidewalk. Such overhang may extend along the sides of the Newsstand roof a distance of 2 feet from the front of the roof. The maximum height of the Newsstand structures shall be 9 feet{, *except that a pillar-style Newsstand may be up to 14 feet in height*}. Pillar-style Newsstands shall be prohibited in districts zoned for residential use. All Newsstands must be designed and built in compliance with the Americans with Disabilities Act. **The interior design of Newsstands must reflect the criteria in Appendix ADD NUMBER [Interior criteria not developed].**

The majority of the Newsstand structures will be constructed on sites that are currently occupied by existing newsstands, and in some such instances, sidewalk conditions will prohibit exceeding the existing footprint. Therefore, Proposers must be prepared to construct Newsstands of a variety of shapes and sizes. In the event that a public pay telephone is incorporated in the design of a Newsstand, such telephone shall not be located so as to obstruct or interfere with the front sales area of the Newsstand.

2. **Build-out**

The City seeks a Proposal for a minimum of 430 Newsstands by the beginning of the fourth year of the Franchise term. *{with options to direct the installation of additional Newsstands, to be exercised at the sole discretion of the Department, but in no event later than the eighteenth year of the twenty-year Franchise.}* The total number of Newsstands will not exceed 500

This build-out will include the replacement of approximately 330 existing newsstands, which are owned and maintained by individual operators. Most of the replacement Newsstands will be installed at or near existing newsstand sites, except as otherwise provided in section 20-231 of the New York City Administrative Code.

[Removal of existing structures]

{New Newsstand sites will be designated by the Department following the consultation process described below. During the term of the Franchise, the Department may direct the Franchisee to remove or relocate Newsstands whose location proves to be commercially unattractive.}

New newsstand sites will be determined by the issuance of a license by the Department of Consumer Affairs. The Franchisee will be responsible for constructing new Newsstands as operators receive new licenses to operate newsstands at locations designated pursuant to section 20-231 of the New York City Administrative Code.

[Responsibility for expenses]

3. **Maintenance and Operation**

The Franchisee will be responsible for the maintenance of the exterior of every Newsstand structure that it has constructed and installed throughout the Franchise

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term. The Franchisee shall be required to cooperate with the operator of the Newsstand regarding maintenance and repair of the Newsstand structure.

The Franchisee will not be responsible for operating the Newsstands or for cleaning their interiors. [Responsibility for expenses]

E. PUBLIC SERVICE STRUCTURES

Proposers are invited to submit Proposals for the installation, operation, and **maintenance of trash receptacles, multi-rack news racks and information/computer kiosks** that provide access to government or commercial activity. All PSSs shall be installed, maintained, and removed in accordance with all laws, rules, regulations, and guidelines adopted or established by the City that are applicable to comparable structures. The public service provided shall be immediately apparent to the passerby and shall not be obscured physically or visually by the name or logo of any sponsoring entity.

With the rapid development of information technology, the Department anticipates that opportunities for more advanced types of PSSs will expand after the issuance of this RFP. Additionally, the City's needs in relation to street furniture are likely to change over time. During the Franchise term, the Franchisee may propose to provide additional types of PSSs or may be asked to do so by the Department subject to amending the Franchise Contract. All such changes will also be subject to any applicable public review, including the Uniform Land Use Review Procedure and approval by the Franchise and Concession Review Committee.

The Franchisee will also be responsible for maintaining one existing City-owned pedestrian information kiosk, listed below, in the same manner as the Franchise Structures.

	Street	Cross Street(s)	Corner/Side
Times Square	W 43rd Street	Broadway	NW

All PSSs shall be kept as small as possible consistent with their function.

The maximum area of each Computer Information Kiosk shall be 16 square feet. The maximum length shall be 4 feet and the maximum width shall be 4 feet. A Computer Information Kiosk may include a roof overhang extending no more than 2 feet beyond the maximum footprint on one side of the structure, at a minimum height of 7.5 feet above the sidewalk. No Computer Information Kiosk may exceed 9 feet in height.

The maximum area of each **trash receptacle** shall be 6.25 square feet. The maximum length shall be 2.5 feet and the maximum width shall be 2.5 feet. **No trash receptacle** may exceed 4 feet in height. In addition, the maximum size and weight of each **trash receptacle** shall be subject to the approval of the Department of Sanitation. The

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Franchisee shall not be responsible for the collection of refuse from freestanding **trash receptacle** installed as Public Service Structures.

F. REVENUE OPPORTUNITIES

The primary source of revenue to the Franchisee will be the sale of advertising space on the Franchise Structures. Advertising shall be permitted on the exterior of the structures subject to the conditions specified below. The total maximum advertising area shall be 55 square feet on Bus Stop Shelters and 82.5 square feet on APTs and Newsstands. Advertising on PSSs shall be prohibited except to the extent that the name or logo of a sponsoring entity, not to exceed 2 square feet, shall be permitted. The maximum advertising height shall be 7 feet on Bus Stop Shelters and 9 feet on APTs and Newsstands. *{However, the maximum height of advertising on pillar structures shall be 12 feet}*. No advertising shall be permitted on the exterior of Computer Information Kiosks or **Trash receptacles** except for the name or logo as set forth above. (For informational purposes, a summary chart is provided as Appendix 2.)

Each Bus Stop Shelter may have a maximum of two advertising panels, which shall be located only on Shelter end panels (*i.e.*, panels that are aligned perpendicular to the curb). On Bus Stop Shelters greater than 25 feet in length, the Department may increase the maximum advertising dimensions and number of panels by up to two additional panels of a maximum of 27.5 square feet each, provided these panels are located on Shelter end panels, or one additional panel of a maximum of 27.5 square feet. This increase shall apply to no more than 10% of the total number of Franchise Structures citywide, and to no more than 20% of the total number of Franchise Structures in any one community district.

[Terms of current bus stop shelter franchise]

Electronic media (such as "zippers") will be permitted only on a case-by-case basis and, except for backlighting of printed posters, will be subject to the applicable zoning regulations for property adjacent to the site. Audio advertising will not be permitted. However, an audio component used in connection with a Computer Information Kiosk may be permitted in the sole discretion of the Department.

The display or placement of tobacco advertising shall be prohibited. The advertising of alcoholic beverages shall not be permitted within 250 feet of any school, day care center, or house of worship. Any type of advertising which is false or misleading, which promotes unlawful or illegal goods, services or activities, or which is otherwise unlawful or obscene as determined by the Department, including but not limited to advertising that constitutes the public display of offensive sexual material in violation of Penal Law Section 245.11, shall also be prohibited. Any such prohibited material displayed or placed shall be immediately removed by the Franchisee upon notice from the Department.

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There shall be a requirement for providing free space for public service advertisements on the Franchise Structures. Said space shall represent a minimum of 2.5% of the total number of advertising panels and a minimum of 2.5% of total advertising square footage. Such public service advertisements shall be equitably distributed among the various types of Franchise Structures.

[City marketing partnerships]

Consistent with State Law, the Franchisee will also be permitted to charge a minimal fee for the use of the APTs. [Other sources of revenue]

G. SITE SELECTION AND CONSULTATION

Sites for Franchise Structures will be selected by the Department in accordance with the criteria specified in Appendix 3.

The Department will adhere to the following consultative process in designating new sites for Bus Stop Shelters, APTs and PSSs:

1. The Department will request recommendations for new sites **and removals** for Bus Stop Shelters, APTs and PSSs from Council Members, Borough Presidents, Community Boards, Business Improvement Districts (BIDs), and the MTA New York City Transit (for bus stop shelters only.) *{and newspaper publishers and licensed newsstand operators from the City of New York (for Newsstands only).}*
2. The Department will review these recommendations and any other suggested sites for compliance with the siting criteria (Appendix 3) and additionally consider the following factors:

Bus Stop Shelters: Ridership figures, transfer points, location of existing shelters, geographic distribution throughout the five boroughs, sidewalk activity, presence of other Franchise Structures on the sidewalk

APTs: Availability of water and sewer service, public convenience, enhancement of commercial and tourist areas, sites recommended by the Department of Parks and Recreation, geographic distribution, sidewalk activity, presence of other Franchise Structures on the sidewalk.

Public Service Structures: Sidewalk activity, geographic distribution, presence of other Franchise Structures on the sidewalk

3. The Department will distribute lists of proposed sites determined by the Department to be desirable for a 60-day comment period to Council Members, Borough Presidents, Community Boards, other appropriate City agencies, BIDs, the MTA New York City Transit (for Bus Stop Shelters only), newspaper publishers (for Newsstands

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only), adjacent property owners (for APTs only) and any other interested party, including Proposers, if they so request.

4. After consideration of the comments and selection of a Franchisee the Department will choose final sites and notify Council Members, Borough Presidents, Community Boards, other appropriate City agencies, the Franchisee, and any other person who commented on the proposed sites. **The sites for installation of APTs shall be subject to the approval of the Mayor and the Speaker of the Council.**

5. **Newsstands: {Economic viability, replacement of existing structures, geographic distribution, sidewalk activity, presence of other Franchise Structures on the sidewalk} Newsstands remain a licensed operation so new locations shall be sited in accordance with the provisions of section 20-231 of the New York City Administrative Code and any rules promulgated pursuant thereto.**

At least once each year, the Department will request from all Community Boards, BIDs, Council Members, Borough Presidents, and the Franchisee *{and (for purposes of siting Newsstand structures) publishers of major daily New York City newspapers}* a prioritized list of locations for the placement or removal of Franchise Structures, except for newsstands.

The Department may direct the Franchisee to replace Bus Stop Shelters, Newsstands, and PSSs at existing sites, independent of the above consultative process.

H. RESPONSE TO COMPLAINTS

Any complaints the Department receives concerning the siting, installation or requested removal of the Franchise Structures shall be responded to by the Department. All Bus Stop Shelters, Automatic Public Toilets, and Newsstands shall contain a conspicuously posted telephone number of a City government office to which the public may direct complaints and comments. The Franchisee shall cooperate with the Department in timely responding to any such complaints.

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[SECTION III -- PROPOSAL PROCEDURES AND REQUIREMENTS]

[SECTION IV -- GENERAL INFORMATION]

[SECTION V -- TIMETABLE]

APPENDIX 1

Authorizing Resolution

Request for Proposals for a Coordinated Street Furniture Franchise

APPENDIX 2
Summary Chart: Dimensions and Clearances
(For Informational Purposes Only)

	Clear Path	Curb setback	Maximum Size			Maximum Advertising	
			Area	Length	Width	Area	Height
Shelter	7 ft	3 ft	150 sq ft	30 ft	5 ft	55 sq ft	7 ft
APT	8 ft	1.5 ft	78 sq ft	12.5 ft	8 ft	82.5 sq ft	9 ft
Pillar	8 ft	1.5 ft		8 ft	8 ft	82.5 sq ft	12 ft
Newsstand	9.5 ft	1.5 ft	72 sq ft	14 ft	6.5 ft	82.5 sq ft	9 ft
{ Pillar	9.5 ft	1.5 ft		6.5 ft	6.5 ft	82.5 sq ft	12 ft}
Computer Information kiosks	9.5 ft	1.5 ft	16 sq ft	4 ft	4 ft	None*	None*
Trash receptacle	9.5 ft	1.5 ft	6.25 sq ft	2.5 ft	2.5 ft	None*	None*

* The name or logo of a sponsoring entity, covering an area not to exceed 2 square feet, shall be permitted.

Multiple newsracks' dimensions and siting are regulated by section 19-128.1 of the New York City Administrative Code.

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APPENDIX 3 Siting Criteria

The general provisions contained in the first section of these criteria apply to all Franchise Structures, except newsstands. Newsstands shall be sited in accordance with the criteria in section 20-231 of the Administrative Code and any rules promulgated by the Department of Consumer Affairs pursuant thereto. Additional requirements applying to particular types of structures are stated in the sections that follow. These additional requirements are designed to accommodate differences in the structures' function, appearance, and use and to ensure appropriate and consistent locational opportunities.

A. General Provisions

1. Clear Path. All Franchise Structures shall be installed so as to allow a straight unobstructed path ("clear path") for pedestrian circulation on the sidewalk. The dimensions of the clear path for each type of structure are specified in the subsequent sections. No grates or cellar doors shall be included as a part of the clear path directly in front of or behind a Franchise Structure.
2. Sight Lines. The placement of the Franchise Structures shall not interfere with pedestrian or motorist sight lines necessary for traffic safety.
3. Minimum Distance Requirements. Unless otherwise stated, distances shall be measured between the nearest points, viewed in plan, of the Franchise Structure and the specified object or element. Where a distance is required to be measured parallel to the curb line, the measurement shall be taken between the two lines perpendicular to the curb line, one touching the Franchise Structure and the other touching the specified object or element, that are closest to each other.
 - a) The following minimum distances shall be required between the Franchise Structure and the specified element or object:
 - i) Fifteen feet, measured parallel to the curb line, from bus stop shelters; automatic public toilets; newsstands; computer information kiosks; enclosed or unenclosed sidewalk cafes; subway entrances or exits.
 - ii) Ten feet from: Fire hydrants; standpipes; Siamese connections; driveways (which distances must also meet the Department's safety and operational requirements); building lines extended at the intersection of two streets, in accordance with Executive Order No. 22 of 1995 (see Figure 1).
 - iii) Five feet from: The trunk of any tree; canopies; information kiosks.
 - iv) Three feet from: Streetlights and traffic signal poles.
 - v) Two feet from: Ventilation or other grills; manholes; access plates; street signs; parking meters; fixed litter baskets; tree pits; valve boxes; telephones; cellar doors; mailboxes.

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- vi) One and one-half feet from the curb of any street, except for Bus Stop Shelters (see below).
- b) In addition to the above distance requirements, for any Franchise Structure where access for the public is provided from a side of the structure other than that adjacent to the clear path, the following minimum distances shall be required between each such side of the Franchise Structure and the specified element or object:
 - i) Five feet from any above-ground structure (e.g., street lights, traffic signal poles, street signs, parking meters, fixed litter baskets, telephones, mail boxes)
 - ii) Three feet from any element or object that is flush with the sidewalk (e.g., ventilation or other grills, manholes, access plates, tree pits, valve boxes)
- c) No Franchise Structure may be installed directly in front of a building entrance or exit without written permission from the abutting property owner. No Franchise Structure shall be installed within 5 feet (measured parallel to the curb line) of a building entrance except where the Department determines that this requirement cannot be reasonably met.
- d) No Franchise Structure may be installed within 3 feet of the property line of a residential or commercial structure without written permission from the abutting property owner.
- e) No Franchise Structure may be located under a fire escape.
- f) Except for Bus Stop Shelters, no Franchise Structure may be located within a bus stop zone or a taxi stand.
- 4. Vaults. Where a vault is present, the Franchisee shall submit certification from an engineer that the installation of the Franchise Structure will in no way damage the vault.
- 5. Electrical Sources. Franchise Structures should be as close as possible, subject to all other distance requirements, to the source of electricity, if required for the operation of the Franchise Structure. Such Franchise structures may not be sited farther than 150 feet from the nearest available electric power source, unless otherwise directed by the City. The Franchisee is prohibited from using a traffic signal or Con Edison type #12 post, or any power source across a major or protected roadway, unless authorized to do so by the Department.
- 6. Landmarks and Historic Districts. The placement of the Franchise Structures will be subject to the review and approval of the Landmarks Preservation Commission to the extent required by law.

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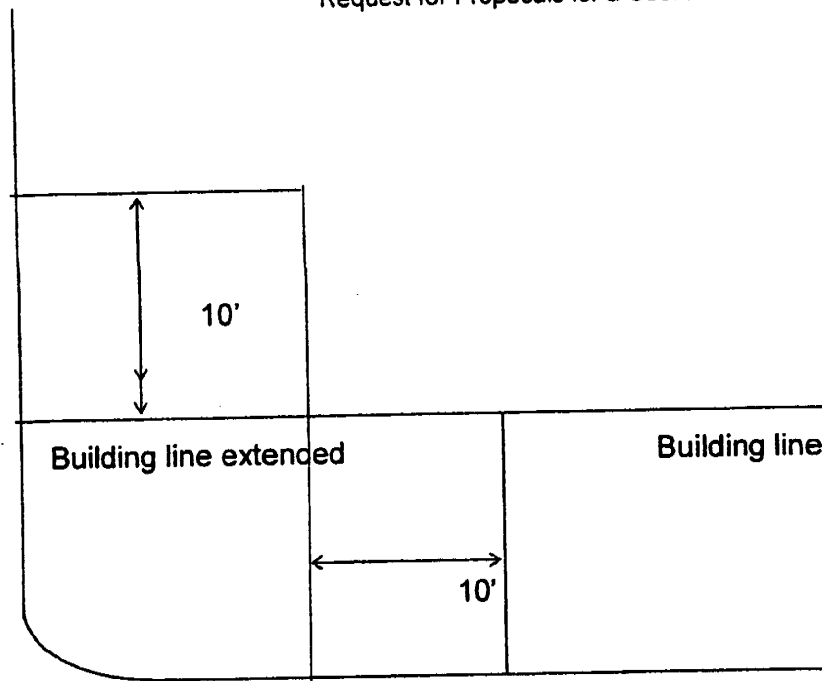


Figure 1. Clear Corner Policy (Executive Order No. 22 of 1995)

B. Bus Stop Shelters

1. **Clear Path.** In general, Bus Stop Shelters shall be installed to allow a minimum clear path of 7 feet in width. However, a reduced clear path may be permitted by the Department if necessary to allow the installation of a Bus Stop Shelter. In no case shall such clear path be less than 5 feet in width. The clear path for a Bus Stop Shelter may include the area covered by the Bus Stop Shelter's roof overhang, provided such overhang is a minimum of 7 and 1/2 feet high.
2. **Clearance from Curb.** All Bus Stop Shelters shall be installed to allow a straight unobstructed path a minimum of 3 feet in width between the Shelter and the curb. Viewed in plan, the roof of a Bus Stop Shelter including any overhang shall be set back from the curb line a minimum distance of 2 feet.
3. **Relation to the Bus Stop**
 - a) All Bus Stop Shelters shall be located as close as possible to the head of the bus stop, but no less than 10 feet from the head of the bus stop at locations where parking is permitted immediately adjacent to the head of the bus stop.
 - b) If a Bus Stop Shelter has only one enclosed end, it should be situated toward the head of the bus stop.

C. Automatic Public Toilets, Public Service Structures

1. **Clear Path**
 - a) All APTs shall be installed to allow a minimum clear path of 8 feet in width.

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- b) All PSSs shall be installed to allow a minimum clear path of 9 and 1/2 feet in width.
- c) The clear path for an **Information/computer kiosk** may include an area up to 3 feet in width covered by the structure's roof overhang, provided such overhang is at a minimum height of 7.5 feet above the sidewalk.
- d) The clear path shall extend 15 feet to each side of the Franchise Structure.
- e) Franchise Structures on sidewalks shall be located either within 2 and 1/2 feet of the curb line or within 1 foot of the building line.

2. **Minimum Distance Requirements.** A minimum 15-foot distance, measured parallel to the curb, is required upon installation between the Franchise Structure and:

- a) Entrances to houses of worship.
- b) Any entrance to the elevator lobby of a building having non-residential uses above the street-level floor and having 16 floors in height or more with a frontage of at least 100 feet on narrow streets or 140 feet on wide streets (as defined in Section 12-10 of the New York City Zoning Resolution).
- c) Any entrance to the lobby of a hotel.
- d) Any entrance to a bank from the street that serves the public, including ATM entrances.
- e) Entrances to theaters and box offices.

D. Additional Requirements for Automatic Public Toilets

1. **Permissible Locations.** APTs shall be located only:

- a) On wide streets, as defined in Section 12-10 of the New York City Zoning Resolution, only in commercial, manufacturing or mixed use districts.
- b) On sidewalks or plazas adjacent to property owned or leased by a government agency or public authority or under the jurisdiction of the Economic Development Corporation.
- c) On traffic islands or public places bounded on all sides by mapped streets under the jurisdiction of the Department.
- d) On or adjacent to parks property or playgrounds, subject to the approval of the Department of Parks and Recreation.

2. **Utilities.** The siting of APTs shall be subject to consideration of the economic feasibility of making necessary utility connections. All APT sites are subject to the additional approval of the Department of Environmental Protection.

E. Special Circumstances

The Commissioner may waive or modify the above criteria in specific cases, except where prohibited by law, if, in his or her opinion, such waiver or modification is consistent with the public health, safety and general welfare. No such waiver or modification shall be granted without prior consultation with the affected Council

Request for Proposals for a Coordinated Street Furniture Franchise

Member, Borough President, and Community Board. Similarly, the Department may refrain from siting a Franchise Structure at a particular location that in the opinion of the Commissioner would result in an over-concentration of Franchise Structures.

Notwithstanding anything contained herein, the siting of Franchise Structures shall be subject to any applicable requirements of the New York City Administrative Code. Notwithstanding anything contained herein, **trash receptacles** may be replaced at their existing locations in accordance with the Department of Sanitation's Operation Order for the placement of litter baskets and the Mayor's Clear Corner Policy (Exec. Order No. 22 of 1995).

A newsstand required by the provisions of paragraph five of subdivision k of section 20-231 of the New York City Administrative Code to be relocated at any time shall be eligible to be relocated to a site within a radius of five hundred feet from its licensed location, the "catchment area", provided such site is identified by the licensee and meets the siting criteria applicable to the renewal of licenses in subparagraph (a) of paragraph two of subdivision d of section 20-231.

If the department of transportation determines that there is no site within such catchment area to which a newsstand may be relocated in accordance with subparagraph (a) of paragraph five of subdivision k of section 20-231, the licensee of such newsstand may apply for a license for a new newsstand in accordance with the applicable provisions law.

A newsstand shall not be eligible for a renewal if the area of the sidewalk occupied by it exceeds seventy-two square feet or such newsstand exceeds nine feet in height or the department of transportation determines that the newsstand poses an obstruction to the free use of sidewalks by pedestrians at the time of review.

(a) A newsstand that was first licensed on or after the first day of August, nineteen hundred ninety-one shall not pose an obstruction to the free use of the sidewalks by pedestrians if the location of such newsstand does not

(i) reduce the area maintained on the sidewalk for pedestrian movement below a width of nine and one-half feet.

(ii) place the proposed newsstand within five feet of a fire hydrant.

(iii) create a level of service at the proposed location for the peak fifteen minutes of the peak hour of a pedestrian flow rate equal to or greater than eleven people per minute per linear foot of clear path, as determined by the department of transportation.

(iv) place the proposed newsstand within fifteen feet of an entrance to or exit from a subway.

(v) extend into the area encompassed by the extension of the property lines from the buildings to the curb at the intersection of two streets and the area ten feet on either side of such lines.

(vi) extend into a bus stop.

(vii) otherwise create a hazardous condition. For purposes of this subparagraph, a hazardous condition shall include, but not be limited to, the location of a newsstand less than one foot, six inches from the curb, under a fire escape,

Request for Proposals for a Coordinated Street Furniture Franchise

within ten feet of a driveway or parking lot or within two feet from underground access points, such as utility access openings, ventilation grills, or cellar doors.

(b) A newsstand that was first licensed prior to the first day of August, nineteen hundred ninety-one shall not pose an obstruction to the free use of the sidewalks by pedestrians if the location of such newsstand does not result in any of the conditions described in clauses (i), (ii), (iii) or (vii) of subparagraph (a) of paragraph two of subdivision d of section 20-231 and does not

(i) violate the restrictions on the location of newsstands in subdivision f of section 20-231, if such newsstand is located at the rear or side of a subway entrance or exit kiosk.

(ii) extend into the area encompassed by the extension of the property lines from the buildings to the curb at the intersection of two streets.

I had a class with Professor Fairman as a senior at Stanford. I don't particularly remember his brilliance, but I do remember that he was Genghis-Khan far-right, even in the ultraconservative political climate of the Stanford of that era. I had come to the United States at 11, daughter of a well-known Social Democrat, and to Stanford in March 1946, still holding those views. The hostility between Professor Fairman and me was palpable in class. But he really exploded when I chose as my term paper "The Constitutionality of the Thomas Committee." Glaring at me, he said, "What do you know about constitutional law?" He was right at the time, but no longer. On June 7 this year, I graduated from the Cardozo School of Law.

Remembering Fairman, I can fully understand Justice Rehnquist's views. I had a few other politically conservative professors both as a Stanford undergrad and grad student, but I found many of them far more generous of mind and spirit. Stuart Graham, whom I baited shamelessly as only a fresh kid from New York might, was one of the truly great gentlemen on the Stanford faculty. Some two dozen years later, he wrote a generous reference for me. He told me, while I was still a kid at Stanford, that he enjoyed my passion about the issues he taught in Modern European History.

Professor Ralph Lutz, who praised Hitler's physical courage for coming through Vienna in an open car after the Anschluss, was another generous spirit. I pointed out that two SS-men with crossed rifles stood at the windows of every apartment facing the streets on which Hitler's car passed, unless those apartments belonged to formerly illegal Austrian Nazis. Professor Lutz apologized for his mistake, and asked the class to listen to what I had said.

No such compliments for Professor Fairman. I found him to be a true ideologue.

Evelyn Konrad, '49
New York, New York

Evelyn Konrad (U.S.)**General Studies**

Ms. Konrad is a June 2005 graduate of Cardozo School of Law, where she was a teaching assistant in the Securities Arbitration Clinic and a research assistant for Professor Halberstam. She had an internship in the Investment Protection Bureau of the office of the New York State Attorney General. Ms. Konrad also was a partner and chief executive officer of I-Route Traveler.com, chief executive officer of YourFinancialProfile.com, owner and chief executive officer of Evelyn Konrad Associates, and economics/financial correspondent for NBC Today. Ms. Konrad has a number of publications to her name on marketing and business matters, and she has published a novel and several profiles and short stories in consumer and literary magazines. She also completed doctoral course work at the NYU Stern School of Business, and holds degrees in history and international relations from Stanford University. In addition to English, Ms. Konrad speaks French, German, and Italian.

EXHIBIT V




**New York City
Department of Transportation**

Iris Weinshall, Commissioner

40 Worth Street
New York, New York 10013
Tel: 212/676-0868
Fax: 212/442-7007
Web: www.nyc.gov/dot

MEMORANDUM

TO: David Karnovsky
General Counsel
Department of City Planning

FROM: Philip Damasher 
General Counsel

DATE: March 19, 2004

RE: Coordinated Street Furniture Franchise RFP

Enclosed are the land use portions of the final version of this RFP. There have been no significant changes made to the siting criteria since your letter of October 8, 2003 stating a new ULURP review was not required.

I would appreciate receiving your concurrence. Thank you for your prompt attention to this matter.

enc.

c: A. Koenig, K. Gould, D. Glikin



NYC-OTR005292

Request for Proposals for a Coordinated Street Furniture Franchise

**THE CITY OF NEW YORK
DEPARTMENT OF TRANSPORTATION
DIVISION OF FRANCHISES, CONCESSIONS, AND CONSENTS**

**REQUEST FOR PROPOSALS FOR A FRANCHISE TO INSTALL, OPERATE AND
MAINTAIN BUS STOP SHELTERS, SELF-CLEANING AUTOMATIC PUBLIC
TOILETS AND PUBLIC SERVICE STRUCTURES AND TO INSTALL AND
MAINTAIN NEWSSTANDS IN THE BOROUGHES OF THE BRONX, BROOKLYN,
MANHATTAN, QUEENS AND STATEN ISLAND**

**DATE OF ISSUE: ADD DATE
PIN #84104MBAD689**

AUTHORIZED DEPARTMENT CONTACT

Proposers are advised that the Department's authorized contact person for all matters concerning this Request for Proposals ("RFP") is:

Paul Stanton
Agency Chief Contracting Officer
Department of Transportation
40 Worth Street, Room 1228
New York, NY 10013
Phone: (212) 442-7749 Fax: (212) 442-7449

The New York City Comptroller is charged with the audit of contracts in New York City. Anyone who believes that there has been unfairness, favoritism, or impropriety in the proposal process should inform the Comptroller of the City of New York, Office of Contract Administration, One Centre Street, Room 835, New York, NY 10007 (212) 669-3000.

Michael R. Bloomberg
Mayor

Iris Weinshall
Commissioner

Request for Proposals for a Coordinated Street Furniture Franchise

**REQUEST FOR PROPOSALS FOR A COORDINATED
STREET FURNITURE FRANCHISE**

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Request for Proposals for a Coordinated Street Furniture Franchise

SECTION I -- SUMMARY

The City of New York, acting through its Department of Transportation ("Department"), invites all qualified firms to submit Proposals for a twenty (20) year Franchise Contract for the installation, operation and maintenance of Bus Stop Shelters ("Shelters"), self-cleaning Automatic Public Toilets ("APTs") and Public Service Structures ("PSSs") and the installation and maintenance of Newsstands (collectively "Franchise Structures") and the display of advertising thereon. The City seeks Proposals that demonstrate excellence in the design, installation, operation and maintenance of Franchise Structures that are clean, safe, and attractive, in convenient locations to serve the needs of residents and visitors.

This Request for Proposals is made pursuant to a City Council Authorizing Resolution (Appendix 1) authorizing the grant of non-exclusive franchises to install, operate and maintain Bus Stop Shelters, Newsstands, APTs and PSSs. Pursuant to this authority, the Department is seeking Proposals for a Franchise that will provide for excellence in design, installation, operation and maintenance, as well as the following:

- The installation and maintenance of a minimum of 3,300 Bus Stop Shelters, with amenities for the public in the form of street identification signage, seating, and public service information. This will require the creation of new designs, and preferably will include the replacement of the existing shelter inventory.
- The installation, operation, and maintenance of a maximum of 20 APTs. The Franchisee will be permitted to collect a minimal fee from the public for the use of the APTs.
- The installation and maintenance of a minimum of 330 Newsstands. The Franchisee will be required to cooperate with the operator of the Newsstand regarding maintenance and repair of the Newsstand structure.
- The installation, operation, and maintenance of PSSs, specifically limited to trash receptacles, multi-rack newsracks and information/computer kiosks that provide access to government or commercial activity. The public service provided shall be immediately apparent to the passerby and shall not be obscured physically or visually by the name or logo of any sponsoring entity. The specific number of PSSs of each type will be determined by the City after the award of the franchise.

The Franchisee will also be responsible for maintaining one existing City-owned pedestrian information kiosk.

The design and placement of the Franchise Structures shall reflect the following goals:

- In order to minimize impacts on pedestrian circulation and the visual character of the streetscape, the footprint and height of the Franchise Structures shall be kept as small as possible consistent with their function and other requirements.
- In order to reduce physical and visual clutter on sidewalks, Proposers are encouraged to incorporate elements such as telephones, information/computer kiosks, trash receptacles and multi-rack newsracks within or on the Franchise Structures.